

SENATE AMENDMENTS

2nd Printing

By: Price

H.B. No. 1762

A BILL TO BE ENTITLED

AN ACT

1
2 relating to workers' compensation and other remedies available to
3 an injured temporary employee.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 93, Labor Code, is amended by adding
6 Section 93.004 to read as follows:

7 Sec. 93.004. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)
8 A certificate of insurance coverage showing that a temporary
9 employment service maintains a policy of workers' compensation
10 insurance constitutes proof of workers' compensation insurance
11 coverage for the temporary employment service and the client of the
12 temporary employment service with respect to all employees of the
13 temporary employment service assigned to the client. The state or a
14 political subdivision of the state shall accept a certificate of
15 insurance coverage described by this section as proof of workers'
16 compensation coverage under Chapter 406.

17 (b) For workers' compensation insurance purposes, if a
18 temporary employment service elects to obtain workers'
19 compensation insurance, the client of the temporary employment
20 service and the temporary employment service are subject to
21 Sections 406.034 and 408.001.

22 (c) An employee's election under Section 406.034(b) made
23 with respect to the temporary employment service applies to any
24 client of the temporary employment service, and the employee may

1 not make a separate election under that section with respect to the
2 client.

3 SECTION 2. The change in law made by this Act applies only
4 to a claim based on a work-related injury that occurs on or after
5 the effective date of this Act. A claim based on a work-related
6 injury that occurs before the effective date of this Act is governed
7 by the law in effect on the date the injury occurred, and the former
8 law is continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2013.

ADOPTED

MAY 15 2013

Henry S. Davis
Lieutenant Governor

By: Dewell

H.B. No. 1762

Substitute the following for __.B. No. _____:

By: Dewell

C.S. __.B. No. _____

A BILL TO BE ENTITLED

AN ACT

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relating to workers' compensation and other remedies available to an injured temporary employee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 93, Labor Code, is amended by adding Section 93.004 to read as follows:

Sec. 93.004. WORKERS' COMPENSATION INSURANCE COVERAGE. (a)

A certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation insurance constitutes proof of workers' compensation insurance coverage for the temporary employment service and the client of the temporary employment service with respect to all employees of the temporary employment service assigned to the client. The state or a political subdivision of the state shall accept a certificate of insurance coverage described by this section as proof of workers' compensation coverage under Chapter 406.

(b) For workers' compensation insurance purposes, if a

temporary employment service elects to obtain workers' compensation insurance, the client of the temporary employment service and the temporary employment service are subject to Sections 406.034 and 408.001.

(c) Except as provided by Subsection (d), an employee's

election under Section 406.034(b) made with respect to the temporary employment service applies to any client of the temporary

1 employment service, and the employee may not make a separate
2 election under that section with respect to the client.

3 (d) If an employee elects to retain a common-law right of
4 action under Section 406.034(b) with respect to the temporary
5 employment service, that election does not apply to a client of that
6 temporary employment service if the client is not subject to
7 Section 406.034.

8 SECTION 2. The change in law made by this Act applies only
9 to a claim based on a work-related injury that occurs on or after
10 the effective date of this Act. A claim based on a work-related
11 injury that occurs before the effective date of this Act is governed
12 by the law in effect on the date the injury occurred, and the former
13 law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1762 by Price (Relating to workers' compensation and other remedies available to an injured temporary employee.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to workers' compensation and other remedies available to an injured temporary employee. The bill would require the state or political subdivision of the state to accept as proof of workers' compensation coverage a certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation coverage for the temporary employment service and the client of the temporary employment service.

Based on information provided by the Department of Insurance and the Texas Workforce Commission, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 454 Department of Insurance

LBB Staff: UP, SD, AG, RB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 7, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1762 by Price (Relating to workers' compensation and other remedies available to an injured temporary employee.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to workers' compensation and other remedies available to an injured temporary employee. The bill would require the state or political subdivision of the state to accept as proof of workers' compensation coverage a certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation coverage for the temporary employment service and the client of the temporary employment service.

Based on information provided by the Department of Insurance and the Texas Workforce Commission, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 454 Department of Insurance

LBB Staff: UP, AG, RB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 3, 2013

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1762 by Price (Relating to workers' compensation and other remedies available to an injured temporary employee.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to workers' compensation and other remedies available to an injured temporary employee. The bill would require the state or political subdivision of the state to accept as proof of workers' compensation coverage a certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation coverage for the temporary employment service and the client of the temporary employment service.

Based on information provided by the Department of Insurance and the Texas Workforce Commission, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 454 Department of Insurance

LBB Staff: UP, AG, RB, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 22, 2013

TO: Honorable René Oliveira, Chair, House Committee on Business & Industry

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1762 by Price (Relating to workers' compensation and other remedies available to an injured temporary employee.). **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Labor Code relating to workers' compensation and other remedies available to an injured temporary employee. The bill would require the state or political subdivision of the state to accept as proof of workers' compensation coverage a certificate of insurance coverage showing that a temporary employment service maintains a policy of workers' compensation coverage for the temporary employment service and the client of the temporary employment service.

Based on information provided by the Department of Insurance and the Texas Workforce Commission, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 320 Texas Workforce Commission, 454 Department of Insurance

LBB Staff: UP, RB, ER